

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:17-cr-17-KS-MTP

STUART BRIAN NICKEY

ORDER OF CONTINUANCE

This cause having come before the Court on the motion of the defendant to continue this matter [68], and the Government stating that it has no objection to the relief requested, and the Court having considered said motion, finds that for the following reasons said motion is well taken and is hereby granted, and that the period of delay shall be excluded in computing the time within which the trial of this matter commence in accordance with the Speedy Trial Act, 18 U.S.C. § 3161.

Also having duly considered the factors articulated in Title 18, Section 3161(h)(7)(B)(ii) to determine the appropriateness of a continuance, the Court finds that a delay at this point will not prejudice either party, and is warranted by the extraordinary circumstances posed by the COVID-19 pandemic. The continuance will allow the Court the opportunity to test procedures that will allow the trial to be conducted safely, and in accordance with Mr. Nickey's rights under the Sixth Amendment. Pursuant to Title 18, Section 3161(h)(7)(A) of the United States Code, the ends of justice outweigh the best interests of the public and the defendant in a speedy trial in this cause and are best served by granting the requested continuance.

The Court finds that the defendant has specifically waived any speedy trial objections heretofore arising or which may arise as a result of this requested continuance under the Speedy

Trial Act or the Constitution in the case at bar, finds that this motion should be granted for the reasons described above.

IT IS THEREFORE ORDERED that this matter be continued and reset to begin on **January 25, 2021**, and that the period of delay shall be excluded in computing the time within which the trial of this matter commence in accordance with the Speedy Trial Act, 18 U.S.C. §3161. The Magistrate Judge will enter an Amended Trial Order herein.

SO ORDERED this the 8th day of September, 2020.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE